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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/730,364	12/08/2003	Michael T. Morman	KCX-654B (19124B)	2821

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EXAMINER	
CRAIG, PAULA L	
ART UNIT	**PAPER NUMBER**
3761	

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/730,364	MORMAN ET AL.	
	Examiner	Art Unit	
	Paula L. Craig	3761	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *14 August 2007*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-28* is/are pending in the application.

4a) Of the above claim(s) *10-12,15,20-24 and 26-28* is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-9, 13-14, 16-19, and 25* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date *10/17/2007*.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on August 14, 2007 has been entered.

Response to Arguments

2. Applicant's arguments with respect to Claims 1-9, 13-14, 16-19, and 25 have been considered but are moot in view of the new grounds of rejection.

Claim Rejections - 35 USC § 103

3. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

4. Claims 1-9 and 25 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 6,231,557 to Krautkramer et al.

5. For Claim 1, Krautkramer teaches an absorbent article including a chassis having a front waist region, a back waist region, and a crotch region extending between the front and back waist regions (Figs. 1-6, Abstract, col. 1, lines 1-27). An outer cover

member 30 extends longitudinally between the front and back waist regions; a bodyside liner 28 extends longitudinally between the front and back waist regions; and an absorbent body structure 48 is sandwiched between the outer cover member and the bodyside liner (Figs. 1-6 and col. 3, lines 19-32, col. 4, lines 41-57). Krautkramer teaches the bodyside liner including a material having an untensioned inherently extensible base layer of a fluid permeable material, the base layer extendable to at least about 125% of its original dimension in a first direction essentially without fracture of the base layer material (Figs. 1-6, col. 7, line 64 to col. 9, line 10). At least a first and a second strip of elastomeric material are wholly disposed on and attached to the base layer material to form flat planar composite regions with a space between the strips such that a center untensioned region of the base layer material is bordered on at least two longitudinally extending sides by the composite regions of the elastomeric materials and the base layer material, the center region generally disposed over the absorbent body structure (Figs. 1-6, col. 8, line 22 to col. 9, line 32, col. 23, lines 1-57, col. 24, line 16 to col. 25, line 38). Krautkramer teaches that the center region of untensioned base layer material is attached to the immediately underlying portion of the absorbent body structure in registry with the center region of untensioned base layer material and the composite regions are stretchable (col. 7, line 64 to col. 9, line 32, col. 41, line 19 to col. 48, line 6). The article of Krautkramer is fully capable of stretching in at least a second direction of the absorbent article (Figs. 1-6, col. 7, line 64 to col. 9, line 32, col. 41, line 19 to col. 48, line 6). Krautkramer teaches that all the components of the absorbent article may be joined by suitable attachment mechanisms, such as adhesive bonds (col.

9, lines 11-32). Krautkramer teaches that bonding of elastomeric material may be done either in a tensioned or an untensioned state (col. 22, line 66 to col. 23, line 55). Krautkramer does not expressly teach that the base layer material is bonded directly to the immediately underlying portion of the absorbent body structure, nor that the base layer material is bonded in an untensioned state. Applicant's specification does not disclose that direct bonding serves any stated purpose or solves any particular problem. On the contrary, Applicant's specification teaches that direct and indirect bonding are equivalent (specification, page 8, lines 23-29). In light of Krautkramer's teaching that bonding of elastomeric material may be done in either a tensioned or an untensioned state, and the teaching in Applicant's specification that direct and indirect bonding are equivalent, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify Krautkramer to include suitable bonding between the base layer material and the absorbent body structure, and a suitable bonding method for the base layer material and the absorbent body structure.

6. For Claim 25, Krautkramer teaches an absorbent article including a chassis having a front waist region, a back waist region, and a crotch region extending between the front and back waist regions (Figs. 1-6, Abstract, col. 1, lines 1-27). An outer cover member 30 extends longitudinally between the front and back waist regions; a bodyside liner 28 extends longitudinally between the front and back waist regions; and an absorbent body structure 48 is sandwiched between the outer cover member and the bodyside liner (Figs. 1-6 and col. 3, lines 19-32, col. 4, lines 41-57). Krautkramer teaches the bodyside liner including a material having an untensioned inherently

extensible base layer of a fluid permeable material, the base layer extendable to at least about 125% of its original dimension in a first direction essentially without fracture of the base layer material (Figs. 1-6, col. 7, line 64 to col. 9, line 10). A strip of elastomeric material is attached to the base layer material along a longitudinally extending side thereof to form a flat planar composite region such that a first region of the base layer material is adjacent a composite region of the elastomeric material and the base layer material, the first region of base layer material that is adjacent the composite region being also generally disposed on the absorbent body structure (Figs. 1-6, col. 8, line 22 to col. 9, line 32, col. 23, lines 1-57, col. 24, line 16 to col. 25, line 38). Krautkramer teaches that the first region of base layer material is attached to the immediately underlying portion of the absorbent body structure in registry with the first region of base layer material; the composite regions are fully capable of stretching in at least a transverse direction in use of the absorbent article (col. 7, line 64 to col. 9, line 32, col. 41, line 19 to col. 48, line 6). Krautkramer teaches that all the components of the absorbent article may be joined by suitable attachment mechanisms, such as adhesive bonds (col. 9, lines 11-32). Krautkramer teaches that bonding of elastomeric material may be done either in a tensioned or an untensioned state (col. 22, line 66 to col. 23, line 55). Krautkramer does not expressly teach that the first region of base layer material is bonded directly to the immediately underlying portion of the absorbent body structure, nor that the base layer material is bonded in an untensioned condition. Applicant's specification does not disclose that direct bonding serves any stated purpose or solves any particular problem. On the contrary, Applicant's specification

teaches that direct and indirect bonding are equivalent (specification, page 8, lines 23-29). In light of Krautkramer's teaching that bonding of elastomeric material may be done in either a tensioned or an untensioned condition, and the teaching in Applicant's specification that direct and indirect bonding are equivalent, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify Krautkramer to include suitable bonding between the base layer material and the absorbent body structure, and a suitable bonding method for the base layer material and the absorbent body structure.

7. For Claim 2, Krautkramer teaches the article being a training pant, disposable diaper, incontinence article, or feminine hygiene article (Figs. 1-2 and 6, col. 3, lines 1-8.

8. For Claim 3, Krautkramer teaches the base layer material defining a pair of opposed lateral side edges, and each of the first and second elastomeric strips defining a lateral side edge that is aligned with one of the lateral edges of the base layer material (Figs. 1-6, col. 23, lines 1-57, col. 24, line 16 to col. 25, line 38).

9. For Claim 4, Krautkramer teaches the base layer material including a non-woven material (col. 8, lines 11-63).

10. For Claim 5, Krautkramer teaches the non-woven material including a bicomponent spunbond material (col. 41, line 62 to col. 44, line 29).

11. For Claim 6, Krautkramer teaches the first and second elastomeric materials including an elastic film (col. 23, lines 41-54). Krautkramer teaches that the bodyside liner and other components of the article may include a laminate (col. 8, lines 39-63, col. 24, lines 42-67). Krautkramer does not expressly teach the elastic film being laminated

to the base layer material. However, lamination of elastic film is well known in the art. In light of Krautkramer's teaching of an elastic film and of lamination, it would have been obvious to one of ordinary skill in the art at the time of the invention to laminate the elastic film to the base layer material.

12. For Claim 7, Krautkramer teaches the first and second elastomeric materials including webs of elastomeric fibers (col. 23, lines 24-55).

13. For Claim 8, Krautkramer teaches that the elastomeric materials are attached to the base layer material in a generally untensioned state (col. 23, lines 1-17).

14. For Claim 9, Krautkramer teaches that the elastomeric materials are attached to the base layer material in a generally tensioned state (col. 23, lines 1-17).

15. Claims 13-14 and 16-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Krautkramer in view of U.S. Patent Application Publication No. 2002/0087139 to Popp et al.

16. For Claim 13, Krautkramer teaches all the limitations of Claim 1, as described above in paragraph 5. Krautkramer teaches the composite regions of the bodyside liner defining composite strips extending laterally from the center region (Figs. 1-6, col. 7, line 64 to col. 9, line 32, col. 22, line 66 to col. 25, line 25). Krautkramer teaches the composite regions being attached to each other (Figs. 1-6, col. 7, line 64 to col. 9, line 47, col. 22, line 66 to col. 23, line 54). Krautkramer teaches containment flaps 62 (Figs. 1-2, col. 25, line 39-65). Krautkramer does not expressly teach each of the composite strips being folded to form a folded composite region at a respective opposite side fold

line of the chassis, the folded composite regions defining the outer cover member of the chassis, nor a portion of the composite strips disposed above and an opposed portion disposed below the absorbent body structure. Applicant's specification does not disclose that this configuration serves any stated purpose or solves any particular problem. In addition, this feature is well known in the art. Popp confirms this and teaches elasticized composite strips of the bodyside liner being folded at a side fold line of the chassis, extending laterally from the fold line toward the center region with a portion above and below the absorbent body structure, and being attached to each other such that the composite regions also define an outer cover member of the chassis (Abstract, Figs. 1-4, paragraphs 50-51, 63, 69-70). Popp teaches that this configuration creates a bucket for containing body fluids, with a soft and comfortable leg and side seal (paragraphs 7-8). It would have been obvious to one of ordinary skill in the art at the time of the invention by the Applicant to modify Krautkramer to include each of the composite regions being folded to form a folded composite region at a respective opposite side fold line of the chassis, extending laterally laterally from the fold line toward the center region with a portion above and below the absorbent body structure, and being attached to each other such that the folded composite regions also define the outer cover member of the chassis, as taught by Popp, to create a bucket for containing body fluids, with a soft and comfortable leg and side seal, as taught by Popp.

17. For Claim 14, Krautkramer teaches leg elastics 34 (Figs. 1-6, col. 22, line 66 to col. 23, line 40). Krautkramer teaches that the leg elastics may have a multitude of configurations (col. 23, lines 23-26). Krautkramer does not teach leg elastics between

folded composite regions of the bodyside liner. Applicant's specification does not disclose that leg elastics between folded composite regions of the bodyside liner serve any stated purpose or solve any particular problem. Popp teaches leg elastics between folded portions of the bodyside liner (Abstract, Figs. 1-4, paragraphs 48-51, 63, 69-70). Popp teaches that this configuration creates a bucket for containing body fluids, with a soft and comfortable leg and side seal (paragraphs 7-8). It would have been obvious to one of ordinary skill in the art at the time of the invention by the Applicant to modify Krautkramer to include leg elastics between folded portions of the bodyside liner, as taught by Popp, to create a bucket for containing body fluids, with a soft and comfortable leg and side seal, as taught by Popp.

18. For Claim 16, Krautkramer teaches containment flaps 62 (Figs. 1-2, col. 25, line 39-65). Krautkramer does not teach portions of the composite regions of the bodyside liner being folded outboard of the absorbent body structure so as to define the containment flaps. Applicant's specification does not disclose that using folded composite regions of the bodyside liner as the containment flaps serves any stated purpose or solves any particular problem. In addition, the bodyside liner being folded outboard of the absorbent body structure to define containment flaps is well known in the art. Popp confirms this and teaches portions of the bodyside liner being folded outboard of the absorbent body structure so as to define containment flaps (Abstract, Figs. 1-4, paragraphs 48-51, 63, 69-70). Popp teaches that this configuration creates a bucket for containing body fluids, with a soft and comfortable leg and side seal (paragraphs 7-8). It would have been obvious to one of ordinary skill in the art at the

time of the invention by the Applicant to modify Krautkramer to include the bodyside liner being folded outboard of the absorbent body structure to define containment flaps, as taught by Popp, to create a bucket for containing body fluids, with a soft and comfortable leg and side seal, as taught by Popp.

19. For Claim 17, Krautkramer teaches the composite regions being attached to the absorbent body structure (col. 9, lines 10-32).

20. For Claim 18, Krautkramer teaches the composite regions of the bodyside liner defining longitudinal composite strips extending outwardly from the center region and defining elastomeric side panels that are attached at side seams of the chassis to define a pant-like structure (col. 24, line 15 to col. 25, line 39). Krautkramer does not teach the longitudinal composite strips being folded outboard of the side panels at fold lines and extending laterally back under the absorbent body structure and attached to each other such that the composite regions also define the outer cover member of the chassis. Applicant's specification does not disclose that folding strips of the bodyside liner, extending them laterally back under the absorbent body structure, and attaching them to each other as the outer cover member serves any stated purpose or solves any particular problem. In addition, the bodyside liner being folded outboard of the side panels at fold lines and extending laterally back under the absorbent body structure, attached to each other such that the bodyside liner also defines at least part of the outer cover member of the chassis, is well known in the art. Popp confirms this and teaches the bodyside liner being folded outboard of the side panels at fold lines and extending laterally back under the absorbent body structure, attached to each other such that the

bodyside liner also defines at least part of the outer cover member of the chassis (Abstract, Figs. 1-4, paragraphs 48-51, 63, 69-70). Popp teaches that this configuration creates a bucket for containing body fluids, with a soft and comfortable leg and side seal (paragraphs 7-8). It would have been obvious to one of ordinary skill in the art at the time of the invention by the Applicant to modify Krautkramer to include the bodyside liner being folded outboard of the side panels at fold lines and extending laterally back under the absorbent body structure, attached to each other such that the bodyside liner also defines at least part of the outer cover member of the chassis, as taught by Popp, to create a bucket for containing body fluids, with a soft and comfortable leg and side seal, as taught by Popp.

21. For Claim 19, Krautkramer teaches the article being a child's training pant (col. 3, lines 1-8).

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Paula L. Craig whose telephone number is (571) 272-5964. The examiner can normally be reached on M-F 8:30 AM to 4:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tatyana Zalukaeva can be reached on (571) 272-1115. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Paula L Craig
Examiner
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PLC

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